

Application No.: 10/757667
Docket No.: BB1071USDIV2

Page 4

Remarks

Applicants wish to thank the Examiner for the brief telephonic interview held on Monday, October 23, 2006 in which it was clarified that the requirement for restriction was not based on the claims that were submitted in the Preliminary Amendment that was dated January 14, 2004.

Claims 1-21 have been cancelled. Claims 22-24 are currently pending.

Accordingly, Applicants respectfully submit that a requirement for restriction is not warranted in light of the currently pending claims.

Parenthetically, it is noted that the Office Action dated October 4, 2006 required (i) an election between sense and antisense suppression and (ii) an election between glycinin and beta-conglycinin.

Applicants respectfully traverse this election on the grounds that the claims now recite food prepared from soybean seeds having a reduced quantity of soybean seed storage protein. Thus, it is respectfully submitted that the claims concern one inventive concept and as such requiring an election appears to be unwarranted since (i) sense and antisense suppression constitute methods of down-regulating expression; and (ii) glycinin and beta-conglycinin are both major soybean seed storage proteins. Thus, it seems that this would not constitute an undue search burden.

In order to be deemed response, Applicants hereby elect, with traverse, sense suppression and beta-conglycinin. It is noted that if an allowable claim is found, then Applicants respectfully request rejoinder of these additional species.

Please charge any fees or credit any overpayment of fees that are required in connection with the filing of this Response to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

It is respectfully submitted that the claims are in form for allowance which allowance is respectfully requested.

Respectfully submitted,

Lynne M. Christenbury
LYNNE M. CHRISTENBURY
ATTORNEY FOR APPLICANT
Registration No.: 30,971
Telephone: (302) 992-5481
Facsimile: (302) 892-1026

Dated: October 24, 2006